

MT LEGISLATIVE HISTORY

Chapter 6 1981

Bill H 70 S _____

Original bill & hist. ✓ C

H. Committee on Human Services S. Committee on Pub. Health

Hearing Date(s) _____ C

Hearing Date(s) _____ C

_____ C

_____ C

1/12 ✓ C

2/4 _____ C

_____ C

_____ C

Date Out 1/12 ✓ C

_____ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE BILL NO. 70
INTRODUCED BY PAYLOVICH

IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on Human Services.
January 14, 1981	Committee recommend bill do pass, as amended. Report adopted.
January 15, 1981	Bill printed and placed on members' desks.
January 16, 1981	Second reading, do pass.
January 17, 1981	Second reading, do pass as amended.
January 19, 1981	Correctly engrossed.
	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 20, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
February 5, 1981	Committee recommend bill be concurred in. Report adopted.
February 7, 1981	Second reading, concurred in.
February 10, 1981	Third reading, concurred in. Ayes, 42; Nays, 1.

IN THE HOUSE

February 10, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

SENATE BILL NO. 70

INTRODUCED BY PANILOWICH

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 27-6-206, MCA, TO EXEMPT HEALTH CARE PROVIDERS NOT IN PRIVATE PRACTICE FROM PAYMENT OF THE MEDICAL MALPRACTICE PANEL ASSESSMENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-6-206, MCA, is amended to read:

"27-6-206. Funding. (1) There is created a pretrial review fund to be administered by the director exclusively for the purposes stated in this chapter. The fund and any income from it shall be held in trust, deposited in an account, and invested and reinvested by the director with the prior approval of the director of the Montana medical association. The fund may not become a part of or revert to the general fund of this state but shall be open to auditing by the legislative auditor.

(2) To create the fund, an annual surcharge shall be levied on all health care providers. The amount of the assessment shall be set by the director, who shall allocate a projected cost among health care providers on a per capita basis, except that an individual not engaged in the private practice of his profession is exempt from payment of the

assessment. The director may provide a different allocation upon approval by the supreme court. Surplus funds, if any, over and above the amount required for the annual administration of the chapter shall be retained by the director and used to finance the administration of this chapter in succeeding years, in which event the director shall reduce the annual assessment in subsequent years, commensurate with the proper administration of this chapter.

(3) The annual surcharge shall be paid on or before the date physicians' annual registration fees are due under 37-3-313. The director has the same powers and duties in connection with the collection of and failure to pay the annual surcharge as the department of professional and occupational licensing has under 37-3-313 in connection with physicians' annual registration fees."

-End-

MAY 19 1981

OF MONTANA

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47TH LEGISLATIVE SESSION - 1981

HUMAN SERVICES COMMITTEE

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COMMITTEE MEMBERS

Representative Budd R. Gould, Chairman
Representative Francis Bardanouve
Representative Gary W. Bennett
Representative Toni Berghene
Representative Joe Brand
Representative Alison R. Conn
Representative Michael G. Devlin
Representative Kerry Keyser
Representative Richard E. Manning
Representative William Menahan
Representative Jerry Metcalf
Representative Les H. Nilson
Representative Robert J. Pavlovich
Representative Carl A. Seifert
Representative Robert Sivertsen
Representative L. Dean Switzer
Representative Calvin Winslow

COMMITTEE SECRETARY

Rosemary Jacoby

* * * * *

HOUSE HUMAN SERVICES COMMITTEE

47th Legislature (1981)

Bill No.	Subject matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
✓ HB 7	A bill for an act entitled: "An act regulating the utilization of Physicians' assistants."	1/7	Keyser	1/9 ✓	DO PASS AS AMENDED	1/12 ✓
HB 41	To generally revise and clarify the general powers and duties of the Dept. of Environmental Sciences.	1/7	Moore	1/26 2/4	DO NOT PASS	2/4
HB 50	To authorize a financial needs determination before providing vocational train- ing to the disabled and to the blind.	1/7	Gould	1/12	DO PASS AS AMENDED	1/12
HB 70	To exempt health care pro- viders not in private practice from payment of the medical malpractice panel assessment.	1/7	Pavlovich	1/12	DO PASS AS AMENDED	1/12
HB 80	To remove the bond require- ment for persons who are protective payees for recipients of public assistance.	1/7	Pistoria	1/14	DO PASS DO PASS (reopened)	1/19 2/4
HB 91	To provide dear persons with certain rights presently accorded to the blind	1/7	Asay	1/14	DO PASS	1/14

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 12, 1981

The Human Services Committee convened in Room #103 of the Capitol Building on Monday, January 12, 1981 at 12:30 P.M. with Chairman Budd Gould presiding. All members were present with the exception of Representative Bardanouve who was absent.

HOUSE BILL #50

House Bill #50, sponsored by REP. GOULD was brought up for discussion. It was stated that some handicapped people of substantial means were being given financial aid for things they themselves could afford. A large drop in federal funds is expected, and a better means of determining the financial needs was proposed.

PROPOSERS:

JUDITH CARLSON stated that wording in Sections 53-7-105 and 53-7-306, MCA, is unclear in its meaning and that passage of this bill would provide better means of determining the financial needs was proposed.

OPPOSERS:

There being no opposers of the bill, the meeting was opened to questions. After questions were suitably answered, the hearing on House Bill #50 was closed.

HOUSE BILL #70

House Bill #70, sponsored by REP. Pavlovich, provides for amending Section 27-6-206, MCA, to exempt health care providers not in private practice from payment of the medical malpractice panel assessment.

PROPOSERS:

The following proposers gave testimony in favor of the bill and supported same, as is: (See visitor's register attached)

1. Jerry Loendorf, Attorney for MMA
2. Brian Zinns, Director of MMA
3. Bob Donaldson

There being no opposers and with questions being answered suitably, the hearing on HB #50 was closed by REP. GOULD.

EXECUTIVE SESSION

HOUSE BILL #50

RUSS JOSEPHSON, Legislative Researcher stated that the title of this bill should be changed. REP. KEYSER moved that the title of the bill read as follows: "AN ACT TO PROVIDE VOCATIONAL TRAINING TO THE DISABLED AND THE BLIND AFTER A FINANCIAL NEEDS DETERMINATION HAS BEEN MADE; AMENDING SECTIONS 53-7-105 AND 53-7-306, MCA."

REP. KEYSER moved that a DO PASS AS AMENDED notation be made on HB #50. It was seconded by REP. WINSLOW. Let the record show that it passed unanimously.

HOUSE BILL #70

A motion was made by REP. MENAHAN to amend House Bill #70 by adding "in Montana" on page 1, line 25 after "profession". It was seconded and passed as a DO PASS, AS AMENDED unanimously.

HOUSE BILL #7

House Bill #7, an act regulating the utilization of physicians' assistants, amending Section 37-3-103, MCA was brought up for action by the committee. A Do Pass motion was made by REP. KEYSER and seconded by REP. SWITZER.

RUSS JOSEPHSON, Legislative Researcher, responded to questions and explained several possible amendments to HB #7:

1. Clarifying types and amount of supervision
2. Exemption by optometric aides to supervision
3. Satellite practice
4. Eliminating "or a student in good standing in"
5. On page 3, line 24 - Nurses concern about students working as PAs.
6. Delete language on page 4, lines 4 and 5 regarding eligibility
7. Line 19: Proposed amendment for a PA to practice for one year from the time of the temporary to full approval.

REP. KEYSER moved that on page 4, line 4 "or be eligible to take the examination;" be deleted.

REP. WINSLOW moved that an amendment be made to that amendment including the deletion on page 4, lines 7 and 8 "or be eligible for certification;". This completed amendment was seconded and passed unanimously as amended.

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

SENATE

<u>HOUSE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> <u>AS AMEND.</u> <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> <u>AS AMENDED</u> <u>DATE</u>	<u>BE NOT CON-</u> <u>CURRED IN</u> <u>DATE</u>
HB 7	1-29	3-6, 11	3-11					3-11	
HB 50	1-20	3-4	3-4				3-4		
HB 62	1-14	2-4	2-4				2-4		
HB 70	1-21	2-4	2-4				2-4		
HB 80	3-2	3-20, 23	3-23				3-23		
HB 91	1-26	3-4, 6	3-6					3-6	
HB 95	1-29	3-1, 13	3-13				3-13		
HB 127	2-9	3-11, 24, 25	3-25					3-25	
HB 152	2-18	PICKED UP	BY JEAN	FALLAN ON 3-14					
HB 167	1-27	3-13, 23	3-23				3-23		
HB 172	2-4	3-11, 13	3-13				3-13		
HB 300	2-4	PICKED UP	BY JEAN	FALLAN ON 2-14					
HB 420	2-13	3-9, 13	3-13						3-13
HB 437	2-9	3-9, 13	3-13				3-13		
HB 439	2-9	3-9, 13	3-13				3-13		
HB 445	2-13	3-25	3-25				3-25		

Use a separate sheet for Senate, House Bills, and Resolutions.

CONSIDERATION OF HOUSE BILL 70: Representative Robert Pavlovich of District 86, chief sponsor of HB 70 gave a brief resume of this bill. This is an act amending Section 27-6-206, M.C.A., to exempt health care providers not in private practice from payment of the medical malpractice panel assessment. Representative Pavlovich stated that all H.B. 70 does is to exempt health care providers, not in private practice from payment of the medical malpractice panel assessments. As of right now, retired doctors pay a \$50.00 license, if they wish to, in case they would decide to come out of retirement. The malpractice assessment is \$60.00. Doctors feel that they should not have to pay as long as they are not in practice. This bill has been endorsed by the director of the Malpractice Panel and also by the Montana Medical Association.

Jerome Loendorf of the Montana Medical Association, stated his support of the bill.

Brian Zins of the Montana Medical Association stated that this is a well conceived bill. Without this bill physicians who are retired and/or out of state are required to pay the assessment for panel operation. This is not equitable since they really do not contribute to possible suits or claims.

Dr. S. A. Olson stated that he concurs with the bill.

With no further proponents, Vice-Chairman Himsl called upon the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman asked how many physicians does this affect. Mr. Zins replied between 380-400.

Representative Pavlovich closed by asking for favorable and speedy consideration from the Committee.

DISPOSITION OF HOUSE BILL 62: A motion was made by Senator Berg that House Bill 62 receive a BE CONCURRED IN recommendation from the Committee. Motion carried with all Senators present voting "aye" and the Chairman absent.

Senator Halligan stated that he would be willing to carry this bill on the floor being as he himself is a Vietnam veteran.

DISPOSITION OF HOUSE BILL 70: A motion was made by Senator Johnson that House Bill 70 receive a BE CONCURRED IN recommendation from the Committee. Motion carried with all senators present voting "aye" and the Chairman absent.

Representative Pavlovich announced that he would have a senator from his district carry this bill on the floor. He will report back to the secretary with the name of the carrier as soon as possible.

STANDING COMMITTEE REPORT

.....FEBRUARY 4.....1981.....

MR.PRESIDENT:.....

We, your committee onPUBLIC HEALTH, WELFARE & SAFETY.....

having had under considerationHOUSE..... Bill No. 70.....

PAVLOVICH (

Respectfully report as follows: That.....HOUSE..... Bill No. 70.....

XRDJFASX HE CONCURRED IN

PA.